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Atty. Dkt. No. 065334-0111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jacob Mathiesen

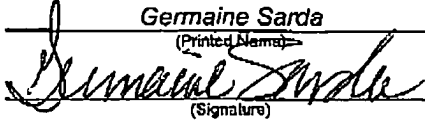
Title: METHOD FOR MUSCLE
DELIVERY OF DRUGS,
NUCLEIC ACIDS AND OTHER
COMPOUNDS

Appl. No.: 10/620,271

Filing Date: 7/14/2003

Examiner: Unknown

Art Unit: 3762

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| CERTIFICATE OF FACSIMILE TRANSMISSION | |
| I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. | |
|  | <u>Germaine Sarda</u> (Printed Name) |
| (Signature) | |
| <u>December 23, 2004</u> (Date of Deposit) | |

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, INOVIO AS, having its principal place of business at 1104-Blindern, Oslo, N-0317, Norway, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 10/620,271, filed 7/14/2003, which is a continuation of U.S. Patent Application No. 09/899,561; 10/141,561, filed 7/5/2001, which is a continuation of copending United States Patent Application No. 09/899,561 filed July 5, 2001, which is a continuation of United States Application No. 09/565,140 (now U.S. Patent No. 6,261,281), filed May 5, 2000, which is a continuation-in-part of United States Patent Application No. 09/055,084 (now United States Patent No. 6,110,161), filed April 3, 1998, which claims the benefit of United States Provisional Application Serial No. 60/042,594, filed April 3, 1997. Ownership is demonstrated by virtue of an Assignment filed in United States Application No. 09/565,140 (now U.S. Patent No. 6,261,281) and recorded on 05/05/2000 on

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Reel/Frame 010782/0613; 09/04/2003 under Reel/Frame 014455/0102; and on 08/30/2004 under Reel/Frame 015093/0898 all in the United States Patent and Trademark Office.

Further, your Petitioner represents that it is the owner of U.S. Patent No. 6,610,044, which issued on U.S. Patent Application No. 10/141,561, filed 05/07/2002, which is a continuation of U.S. Patent Application Serial No. 09/899,561, filed 07/05/2001, which is a continuation of 09/565,140 filed 05/05/2000 (now U.S. Patent 6,261,281) which is a continuation-in-part of 09/055,084 filed 04/03/1998 (now U.S. Patent 6,110,161). Ownership is demonstrated by virtue of an Assignment filed in United States Application No. 09/565,140 (now U.S. Patent No. 6,261,281) and recorded on 05/05/2000 on Reel/Frame 010782/0613; 09/04/2003 under Reel/Frame 014455/0102; and on 08/30/2004 under Reel/Frame 015093/0898 all in the United States Patent and Trademark Office.

Your Petitioner, INOVIO AS, hereby disclaims the terminal part of the term of any patent granted on the above captioned patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent 6,610,044, and hereby agrees that any patent so granted on the above identified patent application shall be enforceable only for and during such period that the legal title to U.S. Patent 6,610,044 shall be the same as the legal title to any patent granted on the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above captioned patent application, prior to the full statutory term of U.S. Patent 6,610,044 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent 6,610,044 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Patent 6,610,044 as

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defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above captioned patent application that would extend beyond the present termination of U.S. Patent 6,610,044, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

The undersigned, being an Attorney of Record for the above captioned patent application, and duly authorized to act on behalf of Petitioner, certifies that he is aware that the above referenced Assignments have been duly recorded and to the best of his knowledge and belief, legal title to the above identified patent application and U.S. Patent 6,610,044 rests with Petitioners, INOVIO AS.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date December 23, 2004By Barry S. Wilson

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